

Exhibit B

ABOVE THE LAW

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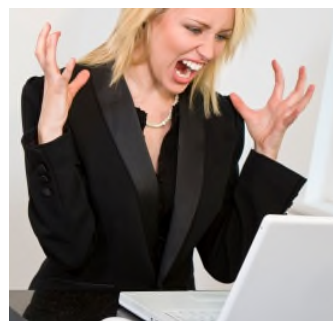
BAR EXAMS, HOLY CRAP, SCREW-UPS, TECHNOLOGY

The Biggest Bar Exam Disaster Ever? ExamSoft Makes Everyone's Life Hard

By DAVID LAT

Making life hard is a GIANT understatement. Judging from the dozens of furious emails, text messages, and tweets we've received over the past few hours, this appears to be the biggest bar exam debacle in history. It's certainly the most serious bar disaster I've ever covered in the eight years since I started Above the Law. Bar takers around the country are in full-on meltdown mode.

Just like ExamSoft, the apparent source of the problems. An unknown number of bar candidates, but surely numbering into the thousands, cannot upload their completed exams to ExamSoft — despite deadlines for doing so (which vary from state to state).



Keep reading for disaster reports from around the country, plus statements from ExamSoft....

(Please note that we will be **UPDATING** this post, so refresh your browser for the latest.)

Here are some representative reports from readers all over the nation:

"ExamSoft can't handle everyone trying to upload their exam files."

"Obamacare 2.0."

"You'd think that the leading (only) option in secure electronic testing would be prepared for the inevitable result when tens of thousands of examinees across the country try to upload their exam files at the same time."

"Mayhem in Chicago. No one's Illinois bar exams are uploading to ExamSoft. ExamSoft's support line is giving everyone a busy signal. Mass confusion everywhere."

"Total disaster for many bar examinees today. We were all told to go home and upload our files or we would get a zero. Software crashed. Website crashed. Tech support phone number disconnects you when you call for help. And we were forced to pay for the privilege of using this POS. Here's a TL;S thread where you can read input from multiple users."

"ExamSoft debacle. A bunch of people here in Utah are having problems uploading their bar exams and from the look of [ExamSoft's] Facebook page, looks like it's nationwide."

"Check out the @ExamSoft Twitter feed. No one can upload their bar exam files, all over the country. And we were forced to pay them \$100 to boot!"

Actually, the price was higher in some jurisdictions:

"For the Utah bar exam we had to pay \$150 to use a software called ExamSoft. We wrote our essays and MPTs on it and then they told us we had to upload our answers when we got home. They said to get it done by 10 p.m. or we would receive 0s. Now that everyone is home and trying to get their answers in, the server is overloaded and can't handle it. I lucked out because I got home quick, it only took me an hour to upload my answers. Some people have been waiting two hours. When you try to call the ExamSoft helpline you get a busy signal."

A few more reactions:

"I hope you write something about this because it is absurd they make us use ExamSoft in the first place. And then ExamSoft isn't even prepared for the surge despite having X years of notice. And their customer service is just a busy signal. It is actually kind of funny in a sick way that this ends up being the most stressful part of the bar."

"Instead of owning up to the failure, ExamSoft has chosen to dispense misleading statements on Facebook and Twitter regarding manually uploading the exam (which is impossible for me right now)."

"Some students' exams disappeared (mine included). I do not know yet if this is permanent or temporary. I hope temporary."

ExamSoft claims it's temporary (although we have no way of verifying this). After we mentioned [on Twitter](#) that we were working on a story, Kenneth Knotts, the company's vice president of marketing, contacted us with this statement:

We saw your post about working on an article regarding the delay in uploading exam files. Right now our team is focused on resolving this delay, contacting all the different state's bar examiners about deadline extensions, and most important trying to help the applicants who are reaching out to us. We want all of applicants who are trying to upload their exams to know that their exams are on their computers. Even if the upload is not successful, the file remains on their computer. We are actively posting on Twitter and all of our sites. Once we have more information we would be happy to talk to you in more details.

On the "bright" side, some jurisdictions have extended the upload deadlines. They're listed on the [ExamSoft homepage](#), along with this message:

Please continue to try and upload your files periodically, and we will work on our end to receive it ASAP. We apologize for the inconvenience and will provide you with an update as soon as possible.

I'm sure bar exam takers are *thrilled* about staying up late trying to "upload [their] files periodically," instead of getting much-needed sleep between day one and day two of the bar exam.

This is just a preliminary report on the bar exam debacle. We will be updating this post later tonight, and we expect to have additional coverage tomorrow.

To everyone suffering through what appears to be the biggest bar exam disaster that I can remember — yes, there have been [earthquakes](#), [fainting people](#), [puking people](#), and [pregnant women going into labor](#), but nothing on this massive, nationwide scale — you have our sympathies. We hope you can (eventually) upload your exam and get some rest, and we wish you good luck on the rest of the test.

UPDATE (11:15 p.m.): ExamSoft has been telling people to do "manual upload," but multiple tipsters insist to us that this doesn't work (or isn't working for them). For example:

No one in my hotel and none of my classmates (from Colorado to New York) can upload their exams using the software and no one can log into the ExamSoft website to upload manually. I got an upload error email suggesting I log into the website, which doesn't work. I responded and informed them of the apparent ENORMOUS problem across the entire country, only to receive a virtually identical auto-generated email. (The exchange can be summarized as follows: "Try uploading your exam manually." "I can't." "Try uploading your exam manually." "Yeah the thing is I can't.") Then I got this condescending email advising me to just sleep it off and worry about it closer to the deadline.

ExamSoft. Easy. Secure. Reliable. Just kidding.

UPDATE (11:18 p.m.): Here's the "condescending email" referenced by the source above:

Dear Applicant,

It is understood that you may have experienced delays in attempting to upload your answers from earlier today. We are currently working to resolve the situation. In the meantime, we wanted to decrease your concern by reminding you that you have until tomorrow evening to submit your answers. We recommend that you focus your attention on trying to ensure you are rested and prepared for tomorrow's exam and forgo continuing to attempt to submit your answers tonight. Please re-attempt to submit your answers by the upload deadline tomorrow. We appreciate your forbearance with the situation.

ExamSoft Support

UPDATE (11:22 p.m.): This whole disaster underscores how technology is both a blessing and a curse. Observations from Twitter:

[@ElieNYC](#): This @Examsoft thing will fuel the No. 2 Pencil industry for years.

[@PaladinVT03](#): There is a reason smart people every year said NFW to electronic testing and wrote their exams. This is it.

UPDATE (11:33 p.m.): Speaking of Twitter, my colleague Elie Mystal ([@ElieNYC](#)) is covering this by manning the Above the Law Twitter feed. You can follow along [@ATLblog](#). I'm also tweeting ([@DavidLat](#)).

UPDATE (11:40 p.m.): Typos are the least of ExamSoft's worries right now, but FWIW, from a Colorado tipster:

Examsoft has "recieved" some of my exam. Thought you might find [this](#) amusing."

UPDATE (11:50 p.m.): Is the situation improving? We are starting to receive anecdotal reports of successful uploads. For example: "Some luck for California bar exam takers. Seems that many are uploading now and upload histories are showing up clear and successful."

UPDATE (11:57 p.m.): Should folks in states that have announced upload extensions go to bed now? Here's the message that ExamSoft just sent to Illinois applicants:

From: ExamSoft Support
Date: July 29, 2014 at 10:26:56 PM CDT
To: undisclosed-recipients;
Subject: ExamSoft: Upload Deadline Extension

Dear Applicant,

We understand that you may have experienced delays in attempting to upload your answers earlier. We are currently working to resolve the situation. Meanwhile, we wanted to decrease your concern by informing you that the State Bar has changed the upload deadline to **tomorrow evening (7/30) at 9 PM**. Now, we recommend that you focus your attention on trying to ensure you are rested and prepared for tomorrow's exam and forgo continuing to attempt to submit your answers. Please re-attempt to submit your answers by the upload deadline **tomorrow (7/30) at 9 PM**. We appreciate your forbearance with the situation.

ExamSoft on behalf of IL Bar

Some people on Twitter are arguing that it's time to calm down and pack it in:

[@Greg651](#): Everyone should calm down and get ready for MBE tomorrow. And I say this as a person currently taking Bar.

UPDATE (7/30/2014, 12:15 a.m.): One tipster suggested that this debacle be referred to as #Barnageddon.

UPDATE (7/30/2014, 12:15 a.m.): On Twitter, [@lawprofblawg](#) suggests #Barghazi. Any other suggestions? Feel free to tweet them [@ATLblog](#), [email us](#), text us (646-820-8477), or post in the comments to this story.

UPDATE (7/30/2014, 12:28 a.m.): One New Yorker is trying to make the best of an awful situation. See this [Craiglist](#)

posting, "Bar examinee seeking sexy single to upload exam with – m4w – 25 (Buffalo)."

UPDATE (7/30/2014, 12:45 a.m.): Okay folks, I'm retiring for the evening — and if you're in a jurisdiction that has already announced an extension of the upload deadline, you might want to do the same. If you'll be up for a while longer, though, @ElieNYC will still be tweeting from @ATLblog for some time.

We'll be back in the morning with more coverage. Good night and good luck.

UPDATE (7/30/2014, 11:40 a.m.): The silver lining to this cloud: some very funny tweets. See Would-Be Lawyers Take To Twitter To Scream At ExamSoft Over #Barghazi.

TOPICS [Bar Exam](#), [Bar Exams](#), [ExamSoft](#), [Holy Crap](#), [Kenneth Knotts](#), [Screw-Ups](#), [Technology](#)

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